

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Buford Scott Danford,	)	CIV 15-0379-PHX-DJH (MHB)
Petitioner,	)	<b>REPORT AND RECOMMENDATION</b>
vs.	)	
Charles Ryan, et al.,	)	
Respondents.	)	

TO THE HONORABLE DIANE J. HUMETEWA, UNITED STATES DISTRICT JUDGE:

Petitioner Buford Scott Danford has filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Court screened the habeas petition on March 26, 2015, and ordered Respondents to answer (Doc. 8). Further, in the screening Order, Petitioner was directed to file and serve a notice of change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Petitioner was warned that if he failed to timely comply with the provisions set forth in the screening Order, the action would be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

On June 16, 2015, the docket reflected that mail was returned as undeliverable. (Doc. 20.) Having failed to notify the Court of a new address, the Court ordered that on or before June 29, 2015, Petitioner shall either (1) file a notice of change of address; or (2) show cause

1 why this matter should not be dismissed for failure to prosecute in light of his failure to file a  
2 notice of change of address as previously ordered by the Court.<sup>1</sup> (Doc. 21.)

3 To date, Petitioner has not responded to the Court's Order or otherwise communicated  
4 with the Court. Accordingly, it appearing that Petitioner has abandoned his claims, the Court  
5 will recommend that Petitioner's Petition for Writ of Habeas Corpus be dismissed for failure  
6 to prosecute.

7 **IT IS THEREFORE RECOMMENDED:**

8 That Respondents' Motion to Dismiss (Doc. 19) be **DENIED as moot**;

9 That the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) be  
10 **DISMISSED** for failure to prosecute;

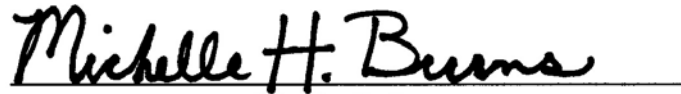
11 This recommendation is not an order that is immediately appealable to the Ninth Circuit  
12 Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate  
13 Procedure, should not be filed until entry of the district court's judgment. The parties shall have  
14 fourteen days from the date of service of a copy of this recommendation within which to file  
15 specific written objections with the Court. See 28 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b),  
16 Federal Rules of Civil Procedure. Thereafter, the parties have fourteen days within which to file  
17 a response to the objections. Pursuant to Rule 7.2, Local Rules of Civil Procedure for the United  
18 States District Court for the District of Arizona, objections to the Report and Recommendation  
19 may not exceed seventeen (17) pages in length. Failure timely to file objections to the  
20 Magistrate Judge's Report and Recommendation may result in the acceptance of the Report and  
21 Recommendation by the district court without further review. See United States v. Reyna-Tapia,  
22 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003). Failure timely to file objections to any factual  
23 determinations of the Magistrate Judge will be considered a waiver of a party's right to  
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27 <sup>1</sup> The Court's Order to show cause was also returned as undeliverable on June 29, 2015. (Doc.  
28 22.)

1 appellate review of the findings of fact in an order or judgment entered pursuant to the  
2 Magistrate Judge's recommendation. See Rule 72, Federal Rules of Civil Procedure.

3 DATED this 30th day of June, 2015.

4 A handwritten signature in black ink, reading "Michelle H. Burns". The signature is written in a cursive, flowing style. The first name "Michelle" is written in a larger, more prominent script, followed by "H." and "Burns". The signature is positioned above a horizontal line.

5 Michelle H. Burns  
6 United States Magistrate Judge  
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